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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW JERSEY COALITION OF
AUTOMOTIVE RETAILERS, INC.,

Plaintiff,

v.

MAZDA MOTOR OF AMERICA, INC.,

Defendant.

Case No. 3:18-cv-14563-BRM-TJB

Motion Day: September 8, 2020

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Complaint herein, the accompanying declaration of Kyle Kaczmarek, dated November 7, 2018, and the exhibits thereto, and the accompanying Defendant's Brief in Support of Motion to Dismiss, dated July 31, 2020, defendant Mazda Motor of America, Inc., d/b/a Mazda North American Operations, shall move this Court, before the Honorable Brian R. Martinotti, United States District Judge, on September 8, 2020, or as soon thereafter as the Court permits, for an order dismissing the Complaint (1) pursuant

to Rule 12(b)(1) of the Federal Rules of Civil Procedure, for lack of subject matter jurisdiction; or (2) in the alternative, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.

Dated: July 31, 2020

Respectfully submitted,

/s/ Brian D. Sullivan

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